IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 20060 of 2004

Between:

Salla Kadriappa (Tractor Owner), s/o Chinnalallappa,
r/o Pandikunta, Vajrakarur Mandal,
Anantapur District.

..... PETITIONER

AND

1 The Regional Transport Officer, Anantapur.
2 The Motor Vehicles Inspector, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ of mandamus declaring the seizure of the petitioners Tractor bearing Engine No.E 2022399, Chassis No.T2022001, seized by the second respondent under Vehicle check report No.VCR No.295396, dated 9-10-2004, as illegal, improper and without jurisdiction and consequently direct the respondents herein to release the petitioners vehicle, forthwith pending enquiry.

Counsel for the Petitioner:MR.JOHN RAJENDRA PRASAD

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER: (per Hon'ble Mr.Justice M.H.S.Ansari)

Having heard the learned counsel for the respective parties, we are of the view that instead of keeping the writ petition pending on the file of this court, same can be disposed of at this stage with certain appropriate directions.

Instant petition is filed questioning the legality of the action of the respondent-authorities seizing the tractor belonging to the petitioner under vehicle check report No VCR 295396 dated 9-10-2004. The petitioner has been served with a show cause notice dated 13-10-2004. At this stage, instant writ petition was filed seeking inter alia the release of the tractor. By the order of this court dated 2-11-2004, direction was issued for releasing the tractor on payment of tax of Rs.210/- subject to certain conditions specified therein.

It appears that payment as directed has been made by the petitioner and the tractor in question has been released.

In such view of the matter, instant writ application is disposed of with direction as under:

The petitioner shall submit his reply to the show cause notice within two weeks from today and if so filed before the competent authority, same shall be considered and disposed of in accordance with law. All questions raised in the writ application are kept open.

It is directed that until the disposal of the proceedings before the respondent-authorities, petitioner shall not alienate, encumber or otherwise part with possession of the tractor in question.

There shall be no order as to costs.

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M.H.S.ANSARI, J

7-12-2004

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T.CH.SURYA RAO, J

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To

1 The Regional Transport Officer, Anantapur.
2 The Motor Vehicles Inspector, Anantapur.

3 2 CCs to the Govt. Pleader for Transport, High Court Buildings,

Hyderabad, (OUT).

4 2 CD copies.